

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

LARKEY-WRIGLEY LLC, a Delaware limited liability company, individually and on behalf of all others similarly situated,	)	
Plaintiff,	)	
vs.	)	
COMMERCIAL DEFEASANCE, LLC a North Carolina limited liability company, and DEFEASANCE HOLDING COMPANY, LLC, a North Carolina limited liability company,	)	CASE NO. 3:07-cv-376-RJC-CH
Defendants.	)	
<hr/>		
AVALON CENTER INVESTMENT COMPANY, a California limited partnership, individually and on behalf of all others similarly situated,	)	
Plaintiff,	)	
vs.	)	
COMMERCIAL DEFEASANCE, LLC, a North Carolina limited liability company, and DEFEASANCE HOLDING COMPANY, LLC, a North Carolina limited liability company,	)	CASE NO. 3:08-cv-535-FDW-DCK
Defendants.	)	
<hr/>		
CONCORD COMMONS, L.P., a North Carolina limited partnership, individually and on behalf of all others similarly situated	)	
Plaintiff	)	
vs.	)	
COMMERCIAL DEFEASANCE, LLC, a North Carolina limited liability company, and DEFEASANCE HOLDING COMPANY, LLC, a North Carolina limited liability company	)	CASE NO. 3:08-cv-444-RJC-DSC
Defendants.	)	
<hr/>		

**THIS MATTER** is before the Court *sua sponte*. Federal Rule of Civil Procedure 42(a) grants the Court authority to consolidate “actions involving a common question of law or fact.” Fed. R. Civ. P. 42(a). The decision to consolidate is committed to the Court’s discretion and consolidation may be initiated *sua sponte*. See Arnold v. E. Air Lines, Inc., 681 F.2d 186, 193 (4th Cir. 1982). The claims alleged by Plaintiffs in these cases arise from a common set of facts – Defendants’ wrongful taking of compensation from its clients. The legal issues presented overlap, the Defendants are identical, and there is a little likelihood of prejudice to any party if the cases are consolidated. Judge Whitney concurs in the consolidation and assignment of these cases.

**IT IS, THEREFORE, ORDERED** that Plaintiffs’ civil actions (3:07-cv-376, 3:08-cv-444, and 3:08-cv-535) will be consolidated pursuant to Rule 42(a). The Clerk is directed to consolidate civil action number 3:07-cv-376-RJC and 3:08-cv-444-RJC into the civil action 3:08-cv-535-FDW.

Signed: April 8, 2009

  
\_\_\_\_\_  
Robert J. Conrad, Jr.  
Chief United States District Judge  
